

110TH CONGRESS  
2D SESSION

# H. R. 7203

To provide for the establishment of a commission to engage in an informed, national, and public dialogue about how to ensure that each student in the United States receives an equitable education that enables the student to achieve his or her maximum academic potential.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2008

Mr. HONDA (for himself, Ms. HIRONO, Mr. CLEAVER, Mr. GRIJALVA, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To provide for the establishment of a commission to engage in an informed, national, and public dialogue about how to ensure that each student in the United States receives an equitable education that enables the student to achieve his or her maximum academic potential.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “The Citizens’ Commis-  
5       sion on Educational Equity Act of 2008”.

6       **SEC. 2. FINDINGS; SENSE OF THE CONGRESS.**

7       (a) FINDINGS.—The Congress finds the following:

1           (1) There are vast disparities in the educations  
2           provided by schools throughout the United States.

3           (2) The educational disparities are reinforced  
4           by funding disparities, such as the following:

5                 (A) The school district in the United  
6                 States with the greatest spending per student  
7                 spends 9.12 times more per student annually  
8                 than the district with the least spending per  
9                 student.

10                (B) The school district in California with  
11                the greatest spending per student spends 4.24  
12                times more per student annually than the dis-  
13                trict with the least spending per student.

14           (3) The schools of the United States do not  
15           meet the educational needs of all students, despite  
16           the wealth of the Nation.

17           (b) SENSE OF THE CONGRESS.—It is the sense of  
18           the Congress that the people of the United States should  
19           engage in an informed, national, and public dialogue on  
20           how to ensure that each student in the United States re-  
21           ceives an equitable education that enables the student to  
22           achieve his or her maximum educational potential.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2       There shall be established a commission to be known  
3 as the “Citizens’ Commission on Educational Equity” (in  
4 this Act referred to as the “Commission”).

5 **SEC. 4. DUTIES OF COMMISSION.**

6       The Commission shall study ways to enable each stu-  
7 dent attending a school in the United States to achieve  
8 his or her maximum academic potential, with particular  
9 emphasis on the following:

10           (1) Ensuring that a school receives adequate re-  
11 sources to meet the educational needs of each stu-  
12 dent in the school.

13           (2) The methods available, or that need to be  
14 developed, to determine the educational needs of a  
15 student.

16           (3) Identifying and devising innovative strate-  
17 gies for State and local educational agencies to—

18                   (A) enable each student to achieve his or  
19 her maximum academic potential; and

20                   (B) participate in reforming the methods  
21 by which schools are funded, to achieve edu-  
22 cational equity.

23 **SEC. 5. MEMBERSHIP OF COMMISSION.**

24       (a) **NUMBER AND APPOINTMENT.**—The Commission  
25 shall be composed of 15 members, as follows:

26           (1) The Secretary of Education.

1           (2) 14 individuals appointed by the Comptroller  
2       General, in collaboration with the President of the  
3       National Academy of Sciences, in accordance with  
4       subsection (b).

5       (b) CRITERIA FOR SELECTION.—

6           (1) ELIGIBILITY.—Within 90 days after funds  
7       are first appropriated to carry out this Act, the  
8       Comptroller General shall make the appointments  
9       provided for in subsection (a)(2) from among indi-  
10      viduals—

11           (A) who submit an application as the  
12      Comptroller General shall require; and

13           (B) who are any of the following:

14                   (i) A student.

15                   (ii) A parent or guardian of a student.

16                   (iii) An individual familiar with spe-  
17      cial education.

18                   (iv) An officer of a State educational  
19      agency.

20                   (v) A teacher.

21                   (vi) A principal or school adminis-  
22      trator.

23                   (vii) A school board member

24                   (viii) A businessperson.

1 (ix) A college or university professor  
2 of education.

3 (2) DIVERSITY.—In making the appointments,  
4 the Comptroller General shall ensure that the Com-  
5 mission represents the geographical, economic, and  
6 cultural diversity of the United States.

7 (3) PROHIBITED APPOINTMENTS.—The Comp-  
8 troller General may not appoint to the Commission  
9 an individual who is any of the following:

10 (A) A Member of Congress.

11 (B) An officer or employee of the Federal  
12 Government.

13 (C) An individual who is—

14 (i) registered as a lobbyist under sec-  
15 tion 3 of the Lobbying Disclosure Act of  
16 1995; or

17 (ii) registered as a lobbyist under the  
18 law of any State.

19 (c) TERMS OF APPOINTED COMMISSION MEMBERS.—  
20 A Commission member appointed under subsection (a)(2)  
21 shall be appointed for the life of the Commission.

22 (d) VACANCIES.—

23 (1) HOW FILLED.—A vacancy in the Commis-  
24 sion shall be filled in the manner in which the origi-  
25 nal appointment was made.

1           (2) LENGTH OF SERVICE.—A Commission  
2       member appointed to fill a vacancy in the Commis-  
3       sion occurring before the end of the term for which  
4       the predecessor of the member was appointed, shall  
5       be appointed only for the remainder of the term.

6       (e) COMPENSATION.—

7           (1) BASIC PAY.—For each day, including travel  
8       time, a Commission member is engaged in the per-  
9       formance of Commission duties, the member shall be  
10      entitled to the daily equivalent of the annual rate of  
11      basic pay for level IV of the Executive Schedule,  
12      subject to section 11(b)(1).

13          (2) PROHIBITION OF COMPENSATION OF FED-  
14      ERAL EMPLOYEES.—The Secretary of Education  
15      may not receive additional pay, allowances, or bene-  
16      fits by reason of service on the Commission.

17      (f) TRAVEL EXPENSES.—A Commission member may  
18      receive travel expenses, including per diem in lieu of sub-  
19      sistence, in accordance with applicable provisions under  
20      subchapter I of chapter 57 of title 5, United States Code.

21      (g) CHAIRPERSON.—Within 15 days after all initial  
22      appointments to the Commission have been made, the  
23      Comptroller General shall designate 1 Commission mem-  
24      ber as the chairperson (in this Act referred to as the  
25      “chairperson”) of the Commission.

1 (h) TAKING ACTION.—The Commission may take ac-  
2 tion at a meeting only by a majority vote of the Commis-  
3 sion members present at the meeting.

4 (i) RULES OF PROCEDURE.—Within 15 days after  
5 the designation of the chairperson, the Commission shall  
6 adopt rules of procedure.

7 **SEC. 6. COMMISSION OPERATIONS.**

8 (a) EXECUTIVE DIRECTOR; STAFF.—

9 (1) APPOINTMENT OF EXECUTIVE DIRECTOR.—

10 The chairperson shall appoint an Executive Director  
11 of the Commission.

12 (2) HIRING OF STAFF.—The Commission may  
13 hire additional personnel as the Commission con-  
14 siders appropriate.

15 (b) COMPENSATION OF EXECUTIVE DIRECTOR AND  
16 STAFF.—Subject to section 11(b)(1), the Commission  
17 shall pay—

18 (1) the Executive Director at the rate of basic  
19 pay for level III of the Executive Schedule; and

20 (2) an individual hired under subsection (a)(2)  
21 at a rate that may not exceed the daily equivalent  
22 of the annual rate of basic pay for grade GS-14 of  
23 the General Schedule.

24 (c) EXPERTS AND CONSULTANTS.—Subject to rules  
25 prescribed by the Commission, the Executive Director may

1 procure temporary and intermittent services in the same  
2 manner as an agency under section 3109(b) of title 5,  
3 United States Code.

4 (d) STAFF OF FEDERAL AGENCIES.—On request of  
5 the Commission, to assist the Commission in carrying out  
6 the duties of the Commission—

7 (1) the Secretary of Education may detail to  
8 the Commission not more than 10 personnel of the  
9 Department of Education;

10 (2) the head of any other Federal department  
11 or agency may detail personnel, services, or facilities  
12 of the department or agency to the Commission,  
13 subject to paragraph (3); and

14 (3) a total of not more than 10 personnel may  
15 be detailed to the Commission under paragraph (2).

16 **SEC. 7. POWERS OF COMMISSION.**

17 (a) HEARINGS AND SESSIONS.—To carry out the du-  
18 ties of the Commission—

19 (1) the Commission shall conduct public hear-  
20 ings in which testimony is received from experts  
21 in—

22 (A) educational equity;

23 (B) civil rights law;

24 (C) constitutional law;

25 (D) educational policy;



1 (E) school finance;

2 (F) economics;

3 (G) taxation;

4 (H) land use or zoning law; and

5 (I) any other field the Commission con-  
6 siders relevant; and

7 (2) the Commission may, as the Commission  
8 considers appropriate, sit and act, take testimony,  
9 and receive evidence.

10 (b) POWERS OF COMMISSION MEMBERS AND  
11 AGENTS.—The Commission may authorize any Commis-  
12 sion member or agent of the Commission to take any ac-  
13 tion which the Commission is authorized to take by this  
14 Act.

15 (c) OBTAINING OFFICIAL DATA.—The Commission  
16 may secure, directly from any department or agency of  
17 the United States, information necessary to enable the  
18 Commission to carry out this Act. On request of the chair-  
19 person, the head of the department or agency shall furnish  
20 the information to the Commission, subject to any applica-  
21 ble limitations of Federal law.

22 (d) ADMINISTRATIVE SUPPORT SERVICES.—On re-  
23 quest of the chairperson, the Administrator of General  
24 Services shall provide to the Commission, on a reimburs-  
25 able basis, human resources management, budget, leasing,

1 accounting, payroll services, and other services necessary  
2 for the Commission to carry out the duties of the Commis-  
3 sion.

4 (e) CONTRACT AUTHORITY.—

5 (1) IN GENERAL.—Subject to paragraph (2) of  
6 this subsection and section 11(b)(2), the Commis-  
7 sion may enter into contracts with and compensate  
8 a government or private agency or person for the  
9 conduct of activities necessary for the Commission to  
10 carry out the duties of the Commission.

11 (2) DURATION.—The Commission may not  
12 enter into a contract if the terms of the contract ex-  
13 tend beyond the date the Commission terminates.

14 (f) AUTHORITY TO ACCEPT VOLUNTARY SERV-  
15 ICES.—

16 (1) IN GENERAL.—Notwithstanding section  
17 1342 of title 31, United States Code, the Commis-  
18 sion may accept the service of a volunteer.

19 (2) REIMBURSEMENT OF VOLUNTEER.—In ac-  
20 cordance with applicable provisions under subchapter  
21 I of chapter 57 of title 5, United States Code, the  
22 Commission may reimburse a volunteer for expenses  
23 for office supplies and local travel, and for travel ex-  
24 penses, including per diem in lieu of subsistence, in-  
25 curred in performing services for the Commission.

1           (3) VOLUNTEER DEEMED A FEDERAL EM-  
2       PLOYEE.—While performing services for the Com-  
3       mission, a volunteer is deemed an employee of the  
4       Federal Government for the purposes of the fol-  
5       lowing:

6                   (A) Chapter 81 of title 5, United States  
7       Code, relating to compensation for work-related  
8       injuries.

9                   (B) Chapter 11 of title 18, United States  
10      Code, relating to conflicts of interest.

11                  (C) Chapter 171 of title 28, United States  
12      Code, relating to tort claims.

13       (g) MAILS.—The Commission may use the United  
14   States mails in the same manner and under the same con-  
15   ditions as other departments and agencies of the United  
16   States.

17   **SEC. 8. COMMUNITY OUTREACH PROGRAMS.**

18       (a) IN GENERAL.—Within 180 days after the ap-  
19   pointment of the chairperson, the Commission shall com-  
20   mence outreach programs with communities throughout  
21   the United States, to engage the communities in a public  
22   dialogue on how to ensure that the schools in the commu-  
23   nities enable each student in the United States to achieve  
24   his or her maximum academic potential.

1 (b) METHODS.—The outreach programs shall, to the  
2 maximum extent possible, include the following:

3 (1) Meetings.

4 (2) Surveys.

5 (3) Telephone polls.

6 (4) Conference calls.

7 (5) Internet messaging and forums.

8 (6) E-mail.

9 (c) REQUIREMENTS.—

10 (1) SELECTION OF COMMUNITIES.—In selecting  
11 communities in which to conduct an outreach pro-  
12 gram, the Commission shall ensure that the outreach  
13 programs represent, to the maximum extent pos-  
14 sible, the geographic diversity of the United States  
15 and the economic and cultural diversity of the popu-  
16 lations of the communities.

17 (2) PUBLIC EVENTS.—Any event the Commis-  
18 sion conducts as part of an outreach program shall  
19 be open to the public.

20 (3) CONDUCT OF OUTREACH PROGRAMS.—In  
21 conducting an outreach program:

22 (A) CHAIR.—The chairperson shall des-  
23 ignate 1 Commission member to serve as the  
24 chair of an event that is part of the program.

1 (B) ISSUES.—The chair shall endeavour to  
2 have the attendees address the following issues:

3 (i) The benefits to the United States  
4 of investing in enabling each student to  
5 achieve his or her maximum academic po-  
6 tential.

7 (ii) How to ensure that each student  
8 achieves his or her maximum academic po-  
9 tential.

10 (iii) How to establish educational eq-  
11 uity for all students.

12 (iv) How to determine the educational  
13 needs of a student.

14 (v) How to evaluate the effectiveness  
15 of a school in meeting the educational  
16 needs of a student at the school.

17 (vi) The methods by which schools  
18 should be funded.

19 (C) PARTICIPATION.—The Commission  
20 shall encourage broad participation in the pro-  
21 gram by any reasonable means the Commission  
22 considers appropriate.

23 **SEC. 9. REPORTS AND OTHER PUBLICATIONS OF COMMIS-**  
24 **SION.**

25 (a) QUARTERLY REPORTS.—

1           (1) IN GENERAL.—Every 90 days after the des-  
2           ignation of the chairperson, the Commission shall  
3           prepare a report detailing the expenditures and ac-  
4           tivities of the Commission.

5           (2) SUBMISSION TO CONGRESS.—The Commis-  
6           sion shall submit each report prepared under para-  
7           graph (1) to Congress and make the report widely  
8           available.

9           (b) FINAL REPORT.—

10          (1) CONTENT.—The final report of the Com-  
11          mission shall include the following:

12               (A) DISCHARGE DUTIES OF COMMIS-  
13               SION.—The findings and conclusions of the  
14               Commission on the matters described in section  
15               4.

16               (B) BASIS OF CONCLUSIONS.—The basis of  
17               the findings and conclusions, including the re-  
18               sults of hearings conducted under section 7(a)  
19               and the outreach programs conducted under  
20               section 8.

21               (C) OTHER TOPICS TO BE ADDRESSED.—

22          A summary of the following:

23               (i) The role of the Federal, State, and  
24               local governments in establishing sufficient  
25               funding to ensure that each student re-

1 ceives an equitable education that enables  
2 the student to achieve his or her maximum  
3 academic potential.

4 (ii) The unmet educational needs of  
5 students, and the benefits of providing the  
6 necessary support to enable schools meet  
7 their needs.

8 (iii) Recommendations on how to as-  
9 sess the educational needs of a student, the  
10 types of assessments available, and how to  
11 develop additional assessments to enable  
12 educators to better understand the edu-  
13 cational needs of a student.

14 (iv) Information concerning the cost  
15 of education in different settings, with con-  
16 sideration of variations in geography,  
17 needs of student populations, and con-  
18 centrations of student populations.

19 (v) The methods by which schools are  
20 and should be funded.

21 (2) PUBLICATION OF DRAFT REPORT.—Within  
22 480 days after the designation of the chairperson,  
23 the Commission shall publish a draft of the final re-  
24 port.

1           (3) PUBLIC COMMENT PERIOD.—During the  
2       45-day period beginning with the date the draft re-  
3       port is published, the Commission shall solicit and  
4       receive comments from the public on the draft re-  
5       port.

6           (4) ISSUANCE OF FINAL REPORT.—

7           (A) IN GENERAL.—Within 165 days after  
8       publishing the draft report, and after taking  
9       into account any comments received under  
10      paragraph (4), the Commission shall submit the  
11      final report to—

12               (i) the Committees on Finance, on  
13               Health, Education, Labor, and Pensions,  
14               and on Appropriations of the Senate;

15               (ii) the Committees on Ways and  
16               Means, on Education and Labor, and on  
17               Appropriations of the House of Represent-  
18               atives; and

19               (iii) the President.

20           (B) APPROVALS REQUIRED; INCLUSION OF  
21      MINORITY VIEW.—

22               (i) APPROVALS REQUIRED.—The  
23       Commission may not issue the final report  
24       without the approval of at least 10 Com-  
25       mission members.



1 (ii) INCLUSION OF MINORITY VIEW.—

2 The Commission may include a minority  
3 view in the final report.

4 (5) CONGRESSIONAL HEARINGS.—It is the  
5 sense of the Congress that the Committees specified  
6 in paragraph (4)(A) should hold hearings on the in-  
7 formation in the final report.

8 (c) FORMAT OF PUBLICATIONS; TIMING; ACCESSI-  
9 BILITY.—

10 (1) FORMAT OF PUBLICATIONS.—The Commis-  
11 sion shall publish all reports prepared under this  
12 section, minutes of all Commission meetings, and  
13 transcripts of all Commission hearings, in a format  
14 that is understandable to the public.

15 (2) TIMING.—The Commission shall publish the  
16 information described in paragraph (1)—

17 (A) on the Internet website of the Depart-  
18 ment of Education, within 15 days after prepa-  
19 ration of the information; and

20 (B) in print, within 60 days after prepara-  
21 tion of the information.

22 (3) ACCESSIBILITY.—The Secretary of Edu-  
23 cation shall maintain, on the Internet website of the  
24 Department of Education, the information published

1 under paragraph (1), which shall be accessible to the  
2 public.

3 **SEC. 10. TERMINATION OF COMMISSION.**

4 The Commission shall terminate 45 days after  
5 issuing the final report under section 9(b)(4).

6 **SEC. 11. LIMITATIONS ON AUTHORIZATION OF APPROPRIA-**  
7 **TIONS.**

8 (a) LIMITATIONS ON AUTHORIZATION OF APPRO-  
9 PRIATIONS.—There are authorized to be appropriated to  
10 carry out this Act, other than section 9(b), not more than  
11 \$10,000,000, to remain available until expended.

12 (b) LIMITATIONS ON USE OF FUNDS.—To the extent  
13 or in the amounts provided in advance in appropriation  
14 Acts, the Commission may do the following:

15 (1) Pay compensation under sections 5(e)(1)  
16 and 6(b).

17 (2) Enter into contracts with and compensate a  
18 government or private agency or person for the con-  
19 duct of activities, under section 7(e).

20 **SEC. 12. FEDERAL ADVISORY COMMITTEE ACT NOT TO**  
21 **APPLY.**

22 The Federal Advisory Committee Act (5 U.S.C. App.)  
23 shall not apply to the Commission.

24 **SEC. 13. DEFINITIONS.**

25 In this Act:

1           (1) EDUCATION.—The term “education” means  
2       learning occurring in public schools in the United  
3       States from pre-kindergarten through the 12th  
4       grade, including homeschooling.

5           (2) EDUCATIONAL EQUITY.—The term “edu-  
6       cational equity” means the educational policies, and  
7       practices necessary to—

8           (A) meet the educational requirements of  
9       each student, regardless of his or her socio-  
10      economic status, national origin, gender, or the  
11      location of his or her school;

12          (B) foster the maximum development of  
13      the potential of each student; and

14          (C) ensure that each student has the  
15      knowledge and skills needed to participate effec-  
16      tively in community life as a worker, citizen,  
17      parent, or leader, and as a role model for future  
18      generations.

19          (3) EDUCATIONAL NEEDS.—The term “edu-  
20      cational needs” means the academic and develop-  
21      mental requirements for a student to achieve his or  
22      her maximum academic potential, determined after  
23      taking into account the unique abilities and cir-  
24      cumstances of the student.

1           (4)   COMPTROLLER   GENERAL.—The   term  
2       “Comptroller General” means the Comptroller Gen-  
3       eral of the United States.

○